

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY AD  
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LEIF SKOOGFORS,

Plaintiff,

-vs-

Case No. A-16-CA-018-SS

TOTAL HEALTH BY ELIZABETH, LLC,  
Defendant.


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**ORDER**

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically "Plaintiff Leif Skoogfors' Motion for Summary Judgment Against Total Health by Elizabeth, LLC" [#17] filed October 21, 2016; "Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment"; and "Plaintiff's Reply to Defendant's Opposition to Motion for Summary Judgment" and, thereafter, enters the following:

IT IS ORDERED that the summary judgment motion is DENIED. The motion does not substantiate ownership or control over any alleged photograph that is identified in this case, has no valid evidentiary base for entitling statutory damages in any amount or otherwise, no evidence of willful conduct, and, therefore, not evidence of any award of attorney's fees based thereon.

The Court further finds that the plaintiff's objections to the request for production by the defendant Total Health by Elizabeth, LLC are not made in good faith, specifically the response to production number 1, production number 2, production number 3, production number 4, production number 8, production number 9, production number 10, production



number 11, and production number 13 establish objections that are not valid and clearly illustrate no bona fide effort to disclose evidence after filing a lawsuit with the allegations made in the original complaint. The Court ORDERS the responses of the defendant to the discovery to be fully made within the (10) days of the date of this order and, if not, will entertain a request for attorney's fees and costs from the defendant.

SIGNED this the 13<sup>th</sup> day of January 2017.

  
UNITED STATES DISTRICT JUDGE